IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 6025 of 2007()

CRIME NO.76/07 OF ANGAMALY POLICE STATION

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PETITIONERS/ACCUSED NOS. 4 & 8

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1. RAMESH @ KANNAN, S/O SURENDRAN,
AGED 31 YEARS, VELLATTUTHARA HOUSE,
MELOOR VILLAGE, ADICHILY KARA,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. SANTHOSH, S/O PURUSHOTHAMAN,
AGED 29 YEARS, MANAPILLY HOUSE,
KUNNAPPILLY, ADICHILY KARA,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6025 OF 2007

Dated this the 9th day of October, 2007

ORDER

Application for regular bail. The petitioners are accused 4 and 8. They face allegations for offences punishable, inter alia, under Secs.326 and 307 of the IPC and Sec.27 of the Arms Act. The alleged incident took place on 2/2/07. On account of prior animosity, an unlawful assembly of persons, including the petitioners, armed with dangerous weapons allegedly attacked the victim and inflicted serious injuries. Both legs of the victim had to be amputated. One finger of the victim was chopped off. Investigation is continuing. Altogether, there are 8 accused persons. Accused No.6 has not been arrested so far. He is still absconding. The petitioners were arrested on 9/9/07. Investigation is in progress. The petitioners pray that they may now be enlarged

on bail.

2. The learned counsel for the petitioners submits that the petitioners are not alleged to have any criminal antecedents. The learned counsel for the petitioners further submits that the petitioners are not attributed to any specific overt acts. They have been continuing in custody from 9/9/07. The learned counsel for the petitioners further points out that the petitioners were earlier granted anticipatory bail by the learned Sessions Judge, Ernakulam. But they did not abide by the conditions of the anticipatory bail and that is the reason why they could not avail of the benefits under the anticipatory bail. The petitioners may, in these circumstances, be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioners were members of an unlawful assembly of persons and indulged in cruel and aberrant acts alleged against them. The specific individual overt act is not very crucial or vital in a situation like this. Investigation is not complete in a serious crime like the instant one. Investigator may be granted reasonable further time, after arrest of the petitioners, to complete the investigation.

4. Having considered all the relevant inputs, I find merit

in the opposition by the learned Public Prosecutor. I am satisfied that it is too early to consider the release of the petitioner on bail at this stage.

5. In the result, this bail application is dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court or the courts below for bail again at a later stage of the investigation – not, at any rate, prior to 25/10/07. I need only mention that I expect the Investigating Officer to complete the investigation as expeditiously as possible.

(R. BASANT, JUDGE)

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